

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN MOULTRIE,	:	
Plaintiff,	:	
v.	:	Case No. 3:07-cv-224-KRG-KAP
SUPERINTENDENT GERALD ROZUM,	:	
S.C.I. SOMERSET, <u>et al.</u>	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 31, 2008, docket no. 20, recommending that the plaintiff's motion to withdraw the complaint without prejudice, docket no. 19, be granted under Fed.R.Civ.P. 41(a)(2) as a motion to dismiss with prejudice.

The parties were notified, pursuant to 28 U.S.C. § 636(b)(1), that they had ten days to file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After review of the record of this matter and the recommendation of the Magistrate Judge, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 19<sup>th</sup> day of August, 2008, it is

ORDERED that the complaint is dismissed with prejudice.  
The Report and Recommendation is adopted as the opinion of the  
Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written with a large, stylized "K". The last name "Gibson" is written with a large, stylized "G".

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KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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